

MEMORANDUM

DATE: February 7, 2011
TO: Policy Committee
FROM: Luke Vinciguerra, Planner
SUBJECT: Development Standards - Private Streets

I. Private Streets

The Development Standards section of the Zoning Ordinance update includes a review of policies and ordinances related to private streets. James City County has a select number of areas with private streets and by policy, does not encourage them in planned unit developments and residential communities as they could become a liability issue. From a planning perspective, private streets can be an excellent tool to satisfy a design or aesthetic need. Additionally, private streets provide developers the option for gated communities as roads that are maintained by the State cannot restrict access. It is also common for industrial and commercial developments to have their own internal private road network. Private roads are often necessary for retail developments due to ambiguity between what is a street and a parking lot, creating situations where VDOT cannot take over maintenance because of the design. Applications for private streets may increase as developers attempt to avoid the connectivity requirements of VDOT's new Subdivision Street Acceptance Requirements (SSAR) regulations.

The Zoning Ordinance permits private streets in the following districts and circumstances:

- Qualifying Industrial Parks (Section 24-62) in the M1-Limited Business/Industrial, M2-General Industrial, RT-Research and Technology, PUD-C-Planned Unit Development Commercial, and MU-Mixed Use districts;
- Manufactured Home Parks (Section 24-181);
- R-4-Residential Planned Community (Section 24-276);
- R-5-Multi-Family Residential (Section 24-314);
- PUD, Planned Unit Development (Section 24-497);
- MU-Mixed Use (Section 24-528); and
- Generally in townhome and condominium development (Section 24-42).

Recent examples of developments with private streets include Colonial Heritage, Liberty Crossing, and Pocahontas Square. Portions of streets in New Town and Weatherly at White Hall are also private for alleys and streets with specific design features, while the majority is public and within the State's maintenance system.

Per discussions with the County Engineer and a review of case history, the private streets policies and ordinances work well, and there are no obvious problems that require Zoning Ordinance revisions; however, Planning Staff has identified a few ordinance inconsistencies that may need updating to clarify where private streets are permitted, how to apply for them, and how modifications to construction standards can be obtained.

II. Discussion Items

A. Consolidated Requirements

1. Description of Issues

- *Currently, different zoning districts that permit private streets have their own requirements, including approval processes that sometimes differ. For example, the Mixed Use district requires private streets to be approved by the Board of Supervisors and gives the Planning Commission the authority for any construction standard waiver, while the Planned Unit Development district lacks any method for a construction waiver. As stated earlier, private streets are sometimes necessary to achieve a design goal. Theoretically, there may be the need for a mechanism for a developer to propose an unusual street feature that wouldn't be permitted by VDOT in the PUD district. Without it, the County Engineer enforces the same minimum construction standards as VDOT.*
- *Additionally, Section 19-53 of the Subdivision Ordinance states, "There shall be no private streets permitted in any subdivision except where permitted by the zoning ordinance... however, private streets may be allowed in townhouse and condominium subdivisions if the private streets are approved by the commission..." The R-2 district, which permits attached housing by special use permit, doesn't generally permit private streets, thus creating confusion to someone not familiar with the ordinances.*

2. History

- *The private streets sections have been added to the ordinance over time as the need for ordinance clarifications arose. Most of the private street policies were developed in the late 1980s and early 1990s. The most recent addition was the construction and design waiver process to the Mixed Use District in 2001.*

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *There are no GSAs, input, or other direction pertaining to this topic.*

4. Solutions and Policy Options

- *To address the issues mentioned above, staff recommends consolidating the private streets requirements into one section and making them as consistent as possible to provide clear understanding where private streets are permitted and how to proceed with the approval/modification process.*

5. Staff recommendations

- *Staff recommends the Policy Committee endorse consolidating and increasing consistency among the private street requirements.*

III. Conclusion

As private streets are a needed tool when VDOT approval cannot be obtained, staff is reluctant to recommend further restrictions. As stated earlier, the County's private street policies and ordinances work well; however, there are some inconsistencies that can be addressed during the Zoning Ordinance update to provide clarity. Staff recommends the Policy Committee endorse the changes stated above.

Attachments:

1. County Engineer's private street requirements